

Date

Jarvis Claiborne, Vice-Chair
St. Landry Parish DEC
297 Meghan Drive
Opelousas, Louisiana 70570

Re: Ethics Board Docket No. 2016-309

Dear Mr. Claiborne:

The Louisiana Board of Ethics, at its May 20, 2016 Board meeting, considered your request for an advisory opinion regarding whether members of the St. Landry Parish Democratic Parish Executive Committee (Committee) are required to take mandatory ethics training and whether Bambi Polotzola is precluded from serving on the Committee after her appointment as the Director of the Governor's Office of Disability Affairs. Members of the Committee are elected every four years during the general election for President.

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics does not require members of the St. Landry Parish Democratic Parish Executive Committee who are not employed by a governmental entity or agency to take mandatory ethics training. La. R.S. 42:1170(3)(a)(i) provides that each public servant who was not required to complete education and training pursuant to Paragraph (1) or (2) of this Subsection shall receive a minimum of one hour of education and training on the Code of Governmental Ethics during each year of his public employment or term of office, as the case may be. La. R.S. 42:1102(19) defines "public servant" as a public employee or an elected official. La. R.S. 42:1102(9) defines "elected official" as any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate and shall also include any person appointed to fill a vacancy in such offices. "Public employee," according to La. R.S. 42:1102(18), means anyone, whether compensated or not, who is: (i) An administrative officer or official of a governmental entity who is not filling an elective office. (ii) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or agency thereof, either as a member of the agency, or as an employee thereof. (iii) Engaged in the performance of a governmental function. (iv) Under the supervision or authority of an elected official or another employee of the governmental entity. The members of the Committee are not public servants since they are not within the definition provided in La. R.S. 42:1102(18) or La. R.S. 42:1102(19).

Finally, the Board concluded, and instructed me to inform you, that there are no provisions within the Louisiana Code of Ethics that address whether a person who is a public servant because of an appointment may be a member of a Democratic Parish Executive Committee. The Board instructed me to inform you that you may wish to contact the Attorney General's Office regarding to obtain the answer to your question.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Brett Robinson
For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS